



Board of Zoning Appeals Board of Zoning Appeals Division I (February 3, 2026) Meeting Agenda

Meeting Details

Notice is hereby given that the Metropolitan Board of Zoning Appeals will hold public hearings on:

Date: Tuesday, February 03, 2026

Time: 1:00 PM

Location: Public Assembly Room, 2nd Floor, City-County Building, 200 E. Washington Street

Business:

Adoption of Meeting Minutes

Special Requests

2025-UV1-025 | 3531 Five Points Road

Franklin Township, Council District #20, zoned D-A
Neat Investments, by Edward Neat

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of commercial vehicles, with limited truck or heavy vehicle repair (not permitted), and to legally establish the existing 4,000-square foot building as the primary structure (single-family dwellings or barns associated with an agricultural use only permitted as primary structures).

**Petitioner to request withdrawal

2025-UV1-023 | 5237 Commerce Circle

Franklin Township, Council District #25, zoned C-S
Faithful Companions Cremation Services, LLC, by Jacob S. Brattain

Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a crematory (not permitted).

**Staff to request withdrawal of petition

PETITIONS REQUESTING TO BE CONTINUED:

1. 2025-DV1-052 (Amended) | 4105 West 93rd Street

Pike Township, Council District #1, zoned I-2 / MU-1
V 465 LLC, by John B. Gregg

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).

**Staff to request continuance to March 3, 2026 hearing

2. 2025-DV1-061 | 9000 Shetland Lane

Pike Township, Council District #1, zoned D-A
Rebecca Bolton and David Padrick, by David Gilman

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory residential structure on a lot that is not developed with a primary building and lacks

street frontage (accessory structures on lots without primary buildings not permitted; minimum 125-foot street frontage required).

****Staff to request continuance and transfer to February 10, 2026 on behalf of petitioner**

3. 2025-DV1-063 (Amended) | 6690 Jackson Street

Wayne Township, Council District #16, zoned D-2
Ramon Ibanez

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).

****Automatic continuance filed by Registered Neighborhood Organization, continuing petition to March 3, 2026.**

Petitions for Public Hearing

PETITIONS TO BE EXPEDITED:

PETITIONS FOR PUBLIC HEARING (Transferred Petitions):

PETITIONS FOR PUBLIC HEARING (Continued Petitions):

4. 2025-DV1-059 | 5217 Broadway Street

Washington Township, Council District #7, zoned D-5 (TOD) (W-5)
John Rising-Moore

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition to a single-family dwelling with a four-foot north side setback and a 3.5-foot south side setback (five-foot side setbacks required).

5. 2025-DV1-062 | 9110 Kenwood Drive

Washington Township, Council District #2, zoned D-2
Joseph Pinnell

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 6-foot tall fence within a front yard (maximum 3.5-foot height permitted).

6. 2025-DV1-064 | 3155 Arbor Street

Perry Township, Council District #22, zoned D-4 (FF)
Jose Moreno, by Samuel Salazar

Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings), and for a 72-foot wide parking area within the front yard of Arbor Street (maximum 30-foot wide parking area permitted).

7. 2025-UV1-024 (Amended) | 2170 East 75th Street

Washington Township, Council District #2, zoned D-S (FW)
Molly A. Wright, by David Stevens

Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish an accessory structure in the front yard of 75th Street (not permitted), to provide for the expansion of a detached garage with a two-foot side setback (15-foot side setback required), for the garage to have a footprint larger than the primary building (accessory structures cannot be larger than the primary building), and with 81% open space (85% open space required).

PETITIONS FOR PUBLIC HEARING (New Petitions):

8. 2025-DV1-065 | 2929 Eagledale Drive

Wayne Township, Council District #11, zoned D-5
Grise Home & Property Group LLC, by Martin Jimenez

Variance of development standards of the Consolidated Zoning and Subdivision Ordinance to provide for a carport with a 0-foot side yard setback (5-foot setback required).

Additional Business:

**The addresses of the proposals listed above are approximate and should be confirmed with the Division of Planning. Copies of the proposals are available for examination prior to the hearing by emailing planneroncall@indy.gov. Written objections to a proposal are encouraged to be filed via email at planneroncall@indy.gov, before the hearing and such objections will be considered. At the hearing, all interested persons will be given an opportunity to be heard in reference to the matters contained in said proposals. The hearing may be continued from time to time as may be found necessary. For accommodations needed by persons with disabilities planning to attend this public hearing, please call the Office of Disability Affairs at (317) 327-7093, at least 48 hours prior to the meeting. - Department of Metropolitan Development - Current Planning Division.

This meeting can be viewed live at <https://www.indy.gov/activity/channel-16-live-web-stream>. The recording of this meeting will also be archived (along with recordings of other City/County entities) at <https://www.indy.gov/activity/watch-previously-recorded-programs>.

Member	Appointed By	Term
Peter Nelson, Chair	Mayor's Office	January 1, 2025 – December 21, 2025
David Duncan, Secretary	Mayor's Office	January 1, 2025 – December 21, 2025
Jennifer Whitt	City-County Council	January 1, 2025 – December 21, 2025
Andrew Katona	Metropolitan Development Commissions	January 1, 2025 – December 21, 2025
VACANT	City-County Council	N/A

BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-UV1-025
Address: 3531 Five Points Road (approximate address)
Location: Franklin Township, Council District #20
Zoning: D-A
Petitioner: Neat Investments, by John Cross
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for outdoor and indoor storage of commercial vehicles, with limited truck or heavy vehicle repair (not permitted), and to legally establish the existing 4,000-square foot building as the primary structure (single-family dwellings or barns associated with an agricultural use only permitted as primary structures).

Current Land Use: Former Landscaping Contractor

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the January 6, 2026, hearing, to the February 3, 2026, hearing.

The petitioner has requested that this petition be withdrawn.



BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-UV1-023
Address: 5237 Commerce Circle (approximate address)
Location: Franklin Township, Council District #25
Zoning: C-S
Petitioner: Faithful Companions Cremation Services, LLC, by Jacob S. Brattain
Request: Variance of Use of the Consolidated Zoning and Subdivision Ordinance to provide for a crematory (not permitted).

Current Land Use: Light industrial warehouse

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was continued for cause from the January 6, 2026, hearing, to the February 3, 2026, hearing.

Due to the C-S zoning, a rezoning petition will need to be filed and approved, in order to permit the requested use. The petitioner has indicated they do not wish to pursue a rezoning petition on this site, therefore this petition will need to be withdrawn.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-052 (Amended)
Property Address: 4105 West 93rd Street (approximate address)
Location: Pike Township, Council District #1
Petitioner: V 465 LLC, by John B. Gregg
Current Zoning: I-2 / MU-1
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the development of a warehouse exceeding one double-loaded row of parking in front of a building (not permitted) and the removal of heritage trees without prior authorization (not permitted).
Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: Per amended documentation, the petition was amended to remove one previously requested variance and to add another one related to parking within a front yard. In order to allow time for the amended notice to be sent, as well as to allow time for additional discussion and generation of supporting documents, staff will plan to request a continuance to the March 3, 2026 hearing date. A full staff report will be made available in advance of that hearing.

1/6/26: The petitioner indicated their intent to request a continuance to the February 3, 2026 hearing date to allow additional time to submit a landscaping plan related to the proposal.

12/2/25: A timely automatic continuance request was filed by a registered neighborhood organization, automatically continuing this petition to the January 6, 2026 hearing date.



Department of Metropolitan Development
Division of Planning
Current Planning

BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-061

Property Address: 9000 Shetland Lane (*approximate address*)

Location: Pike Township, Council District #1

Petitioner: Rebecca Bolton and David Padrick, by David Gilman

Current Zoning: D-A

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an accessory residential structure on a lot that is not developed with a primary building and lacks street frontage (accessory structures on lots without primary buildings not permitted; minimum 125-foot street frontage required).

Current Land Use: Undeveloped

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: The petitioner is unable to attend this hearing date and has requested that the petition be continued and transferred to the February 10th, 2026 hearing date of Division II. Staff will make this request on their behalf, and a full staff report will be made available in advance of that hearing date.

1/6/26: A timely automatic continuance was filed by a registered neighborhood organization, automatically continuing this petition to the February 3, 2026 hearing date. A full staff report will be published in advance of that hearing date.



Department of Metropolitan Development
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Current Planning

BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-063 (Amended)

Property Address: 6690 Jackson Street (approximate address)

Location: Wayne Township, Council District #16

Petitioner: Ramon Ibanez

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a six-foot tall fence with posts exceeding the height of the fence by more than a foot, within the front yard of Bauman Street, and encroaching within right-of-way, the clear-sight triangle of a driveway, and an easement (maximum 3.5-foot tall fence permitted, posts maximum one foot taller than fence, encroachment of rights-of-way, clear-sight triangles and easements prohibited).

Current Land Use: Residential

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: A timely automatic continuance request was filed by a registered neighborhood organization, continuing this petition to the March 3rd, 2026 hearing date. A full staff report will be made available in advance of that hearing.

1/6/26: During review of the petition, staff became aware that a Variance of Development Standards related to the placement of the fence within a drainage and electrical easement would be needed in addition to the other four variances within the original request. In order to allow time for amended notice reflecting the easement variance to be mailed, a continuance to the February 3rd hearing date would be required.



BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-059
Address: 5217 Broadway Street (approximate address)
Location: Washington Township, Council District #7
Zoning: D-5 (TOD) (W-5)
Petitioner: John Rising-Moore
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the addition to a single-family dwelling with a four-foot north side setback and a 3.5-foot south side setback (five-foot side setbacks required).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously automatically continued at the request of a Registered Neighborhood Organization, from the January 6, 2026, hearing, to the February 3, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for an addition to an existing single-family dwelling, with a four-foot north side setback and a 3.5-foot south side setback.
- ◇ The petitioner was granted a permit (ILP25-01021) on September 11, 2025, from the Department of Business and Neighborhood Services (DBNS), to allow for a rear and second story addition to the primary dwelling with the proposed side setbacks being a one-time 12-foot expansion of the existing legally nonconforming side setbacks.
- ◇ Per 744-202-E.1, in the D-S, D-1, D-2, D-3, D-4, D-5, D-5II, and D-8 zoning districts, the minimum side and rear yard setback requirements for a lot containing a single-family detached dwelling or a two-family dwelling shall be subject to the following:
 - a. The primary building may be enlarged or extended along a legally established nonconforming side yard between the established front setback line and the established rear yard setback line of the primary building provided that the linear footage of such enlargement or extension:*
 - 1.Does not exceed 50% of the linear footage of the primary building along that side yard setback line, and*
 - 2.Is a one-time only expansion along the legally established setback line.*



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- ◇ On November 11, 2025, revised site plans, indicating a revision to the rear addition and expansion were submitted to DBNA for an updated ILP permit (ILP25-3006). Those plans were not zoning compliant as they now exceeded the one-time 50% expansion rule. Therefore, that ILP permit was placed on hold as the applicant was informed by DBNS on November 12, 2025, that they would now need a zoning variance for the deficient side setbacks.
- ◇ On December 1, 2025, this petition for a Variance of Development Standards was submitted.
- ◇ On December 12, 2025, a Stop Work order (VIO25-011117) was issued due to apparent ongoing work, and the failure to amend the existing structural permit prior to the construction of a covered deck at the back of a new addition.
- ◇ By all appearances, work continued on the revised non-permitted addition after notification was given, and after the variance petition was filed. This resulted in the Stop Work order issued on December 12, 2025.
- ◇ The proposed two story 26-foot addition with reduced side setbacks would be too intense for the subject site, would block additional sunlight and cast shadows on the adjacent residential structure to the north. The larger addition area with reduced side setback, would also make it difficult for public safety emergency responders to access between the adjacent dwellings.
- ◇ The need for the reduction in the required side setbacks beyond the onetime 50% expansion is a self-imposed hardship and not a result of the Ordinance requirements. Staff believes that the lot is deep enough to accommodate any further rear expansion and therefore meeting the 20-foot rear setback. Any existing work completed with that non-compliant expansion is believed to be non-permitted, per DBNS.

GENERAL INFORMATION

Existing Zoning	D-5		
Existing Land Use	Single-Family Dwelling		
Comprehensive Plan	Traditional Neighborhood		
Overlay	TOD, W-5		
Surrounding Context	Zoning		Surrounding Context
	North:	D-5	Single-family dwelling
	South:	D-5	Single-family dwelling
	East:	D-5	Commercial accessory parking lot
	West:	D-4	Single-family dwelling
Thoroughfare Plan			
	Broadway Street	Local Street	50-foot existing and proposed right-of-way.
Context Area	Compact		
Floodway / Floodway Fringe	N/A		
Wellfield Protection Area	5-year		
Site Plan	December 1, 2025		
Elevations	N/A		
Plan of Operation	N/A		



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Commitments	N/A
Landscape Plan	N/A
Findings of Fact	December 10, 2025

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended Traditional Neighborhood uses for this site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Traditional Neighborhood typology, which includes a full spectrum of housing types, ranging from single family homes to large-scale multifamily housing. The development pattern of this typology should be compact and well-connected, with access to individual parcels by an alley when practical. Building form should promote the social connectivity of the neighborhood, with clearly defined public, semi-public, and private spaces. Infill development should continue the existing visual pattern, rhythm, or orientation of surrounding buildings when possible. A wide range of neighborhood-serving businesses, institutions, and amenities should be present. Ideally, most daily needs are within walking distance. This typology usually has a residential density of 5 to 15 dwelling units per acre.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Red Line Transit-Oriented Development Strategic Plan (2021)
 - The subject site is located approximately 775 feet from the 52nd and College Red Line transit station.
 - The 52nd and College transit station has been categorized as the walkable neighborhood typology, which is characterized as primarily residential, but may have a commercial node of one to two city blocks, with a Mix of uses at station with stabilized residential beyond, and off-street parking is discouraged and should be limited to garages.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



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ZONING HISTORY

2022-DV2-034; 5210 Broadway Avenue (west of site), requested a Variance of Development Standards to provide for the construction of a detached garage and secondary dwelling with a height of 23.75 feet, which is taller than the primary dwelling, **granted**.

2015-DV2-033; 5140 Broadway Street (south of site), requested a Variance of Development Standards to legally establish a two-story dwelling with a 3.8-foot north side setback, to provide for a 576-square foot detached garage with a three-foot north side setback, and a 3.6-foot rear setback, and to provide for a 1,260-square foot, two-story building addition with a five-foot south side setback resulting in an eight-foot aggregate side setback, **granted**.

2012-HOV-035; 5108 Broadway Street (south of site), requested a Variance of Use and Development Standards of the Dwelling Districts Zoning Ordinance to legally establish a two-family dwelling on a 9,314.75-square foot lot, with 53 feet of lot width, **granted**.

2001-HOV-049; 614 East 52nd Street (west of site), requested a Variance of Development Standards to provide for the construction of an 18.5 by 18-foot attached garage on an existing foundation with a rear setback of 2 feet, **granted**.

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Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

the grant will allow for the extension of an approved addition for private residential use.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

the proposed addition will be consistent with development in the area and adjacent area.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

existing residence was built prior to building code and extending along the existing side is not allowed past 50% resulting in a need for a reduction of required north side setback to 4' and south side setback to 3.5'.

Photographs



Subject site front, looking east from Broadway Street.



Subject site rear, looking west from adjacent rear alley.



Subject site proposed north side setback under construction, looking west.



Subject site proposed south side setback under construction, looking west.



Adjacent dwellings to the north, looking northeast



Adjacent dwellings to the south, looking southeast



Department of Metropolitan Development
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BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-062

Property Address: 9110 Kenwood Drive (*approximate address*)

Location: Washington Township, Council District #2

Petitioner: Joseph Pinnell

Current Zoning: D-2

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a 6-foot-tall fence within a front yard (maximum 3.5-foot height permitted).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

1/6/26: This petition was automatically continued by a registered neighborhood organization.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 9110 Kenwood Drive is a residential parcel at the northwest corner of 91st Street to the south and Kenwood Drive to the east. The property is developed with a single-family home that has access from both a half-moon driveway from Kenwood and a driveway onto 91st. Surrounding properties are also residential in nature and both frontages of the site would be considered front yards.
- The western portion of the property appears to have been improved with a fence in the approximate location of the currently existing fence (partially within side yard and partially past the home's front building line) for at least the past 40 years, and the oldest available street level photography from 2007 appears to indicate the height of the fence was around 6 feet and that the fence was largely opaque and made from wood. Per documentation and photographs submitted by the applicant, the fence at this site was fully replaced with the same height and location (but new materials) after a portion of the fence sustained damage from a storm in February of 2025. A portion of that newly placed fence was also replaced after additional damage in September of 2025 (see photos 5-6 in Exhibits).



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- In July of 2025, the violation case VIO25-006271 was opened based on an anonymous complaint filed with the Mayor's Action Center. This violation cited the property for placement of a fence with a height exceeding 42 inches within the front yard (full text within Exhibits below). The property owner is seeking permission for the illegal fence installed in February of 2025 to remain in place by grant of this Variance of Development Standards.
- The subject site is zoned D-2 to allow for suburban development with ample yards, trees, and passive open spaces to serve each individual lot. Similarly, the Comprehensive Plan Pattern Book recommends the site to Suburban Neighborhood uses (such as single-family homes). Infill Housing Guidelines also recommend that see-through fencing is safest, and that within residential front yards fences should be ornamental in nature as opposed to privacy fences such as the one recently installed at this site to replace the previous privacy fence.
- Although unfortunate that the property owner took the step of removing the entirety of fence and reinstalling it at a disallowed height due to storm damage for a portion of the fence, staff does not feel that this would rise to the level of a site-specific practical difficulty preventing placement of a compliant fence. Any non-conforming status of the previous fence would have been lost when the full fence was removed by the property owner, making the difficulty related to the fence having already been built a self-imposed one.
- Additionally, multiple options would exist to allow for either a front-yard fence with compliant height (up to 4 feet if constructed from chain-link) or for a fence with a 6-foot height parallel to the southern front building line and within the property's western side yard (which would still allow for a fenced yard with an area of approximately 4,375 square feet). For these reasons, staff recommends denial of the requested variance.

GENERAL INFORMATION

Existing Zoning	D-2	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-2	North: Residential
South:	D-2	South: Residential
East:	D-2	East: Residential
West:	D-2	West: Residential
Thoroughfare Plan		
91 st Street	Primary Collector	64-foot existing right-of-way and 80-foot proposed right-of-way
Kenwood Drive	Local Street	50-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	



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Overlay	Yes
Wellfield Protection Area	No
Site Plan	10/29/2025
Site Plan (Amended)	N/A
Elevations	N/A
Elevations (Amended)	N/A
Landscape Plan	N/A
Findings of Fact	10/29/2025
Findings of Fact (Amended)	N/A

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Pattern Book recommends this site to the Suburban Neighborhood typology for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also partially located within an Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that fencing around dwellings should be carefully placed, that see-through fencing is safest, and that in front yards fences should be ornamental in style instead of privacy fences.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2015DV3035 ; 457 West 92nd Street (northwest of site), Variance of development standards of the Dwelling Districts Zoning Ordinance to legally establish an enclosed trailer (commercial vehicles not permitted) and a mini-barn, both with a seven-foot east side setback (15-foot side setback required), creating a 34.91 aggregate side setback (35-foot aggregate side setback required), **approved**.

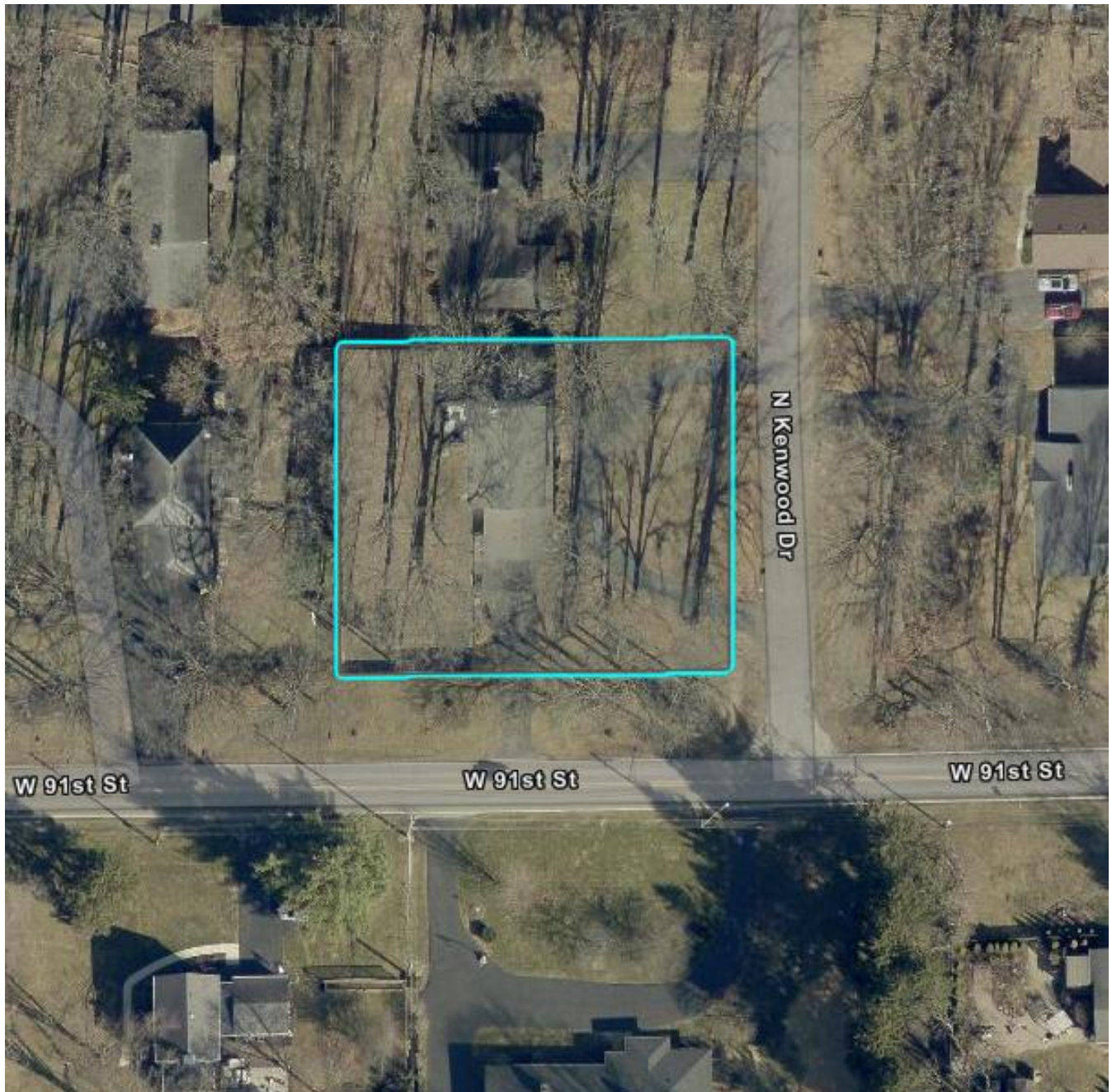
2008DV2034 ; 316 Willowgate Drive (east of site), Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for each lot to have a minimum open space ratio of 60 percent (minimum lot open space ratio of 75 percent required), **approved**.

2006HOV042 ; 211 Willowrun Place (northeast of site), Variance of Development Standards of the Dwelling District Zoning Ordinance to provide for the construction of a 4,095 square foot single family dwelling with a 585-square foot attached garage, resulting in a lot open space of 71.8 percent (minimum lot open space of 75 percent required), **approved**.

2000DV1059 ; 433 West 92nd Street (northwest of site), variance of development standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a 28 by 32-foot detached garage, with a one-foot side yard setback (minimum 15-foot side yard setback required), **approved**.

EXHIBITS

2025DV1062 ; Aerial Map







Department of Metropolitan Development
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2025DV1062 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

THE FENCE WAS PREEXISTING PRIOR TO US MOVING IN 3 YEARS AGO. THERE WAS NO VIOLATION UNTIL A REPAIR WAS MADE AND OFFICIALS THOUGHT IT WAS A NEW FENCE.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

SINCE THE FENCE IS REPAIRED, THE VALUE WOULD INCREASE. IT WAS REPAIRED TO THE EXACT STANDARDS AS THE PREVIOUS FENCE.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

IT WILL DECREASE THE FENCED IN SPACE OF THE YARD WHICH WAS A SELLING POINT OF THE HOUSE. SINCE THE FENCE LINES UP WITH THE NEIGHBORS YARD, THE LOOK AND AESTHETICS WILL BE AFFECTED.

2025DV1062 ; Notice of Violation (VIO25-006271)

RE: 9110 KENWOOD DR

Dear PINNELL, JOSEPH & AMANDA:

A recent inspection of the above referenced property indicated violation (s) of the Revised Code of Indianapolis and Marion County as follows:

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-2 district; (Table 744-510-2: - Fence height exceeding 42 inches in the front yard with more than 30% opacity...privacy fence).

2025DV1062 ; Photographs



Photo 1: Subject Site Viewed from East



Photo 2: Subject Site Viewed from Southeast

2025DV1062 ; Photographs (continued)



Photo 3: Subject Site Viewed from South



Photo 4: Subject Fence + Adjacent Property to West

2025DV1062 ; Photographs (continued)



Photo 5: Damage to Fence, February 2025 (provided by applicant)



Photo 6: Damage to Fence, September 2025 (provided by applicant)

2025DV1062 ; Photographs (continued)



Photo 7: Adjacent Property to North



Photo 8: Adjacent Property to Northeast



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BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-064

Property Address: 3155 Arbor Street (*approximate address*)

Location: Perry Township, Council District #22

Petitioner: Jose Moreno, by Samuel Salazar

Current Zoning: D-4 (FF)

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to allow for a detached accessory garage within the front yard of Arbor Street (accessory structures must be behind primary buildings), and for a 72-foot wide parking area within the front yard of Arbor Street (maximum 30-foot wide parking area permitted).

Current Land Use: Undeveloped

Staff Recommendations: Staff recommends **approval** of the accessory garage request and **denial** of the parking area width request.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

2/3/26: The remonstrator and petitioner agreed to an additional month's continuance to allow for the case to be presented to the Northwest Perry Neighborhood Association. Staff will make this continuance request on the remonstrator's behalf to continue the petition to the March 3rd hearing date.

1/6/26: A timely automatic continuance was filed by a registered neighborhood organization to automatically continue this petition to the February 3, 2026 hearing. The petitioner provided an amended site plan, which is reflected within the below report. Staff's recommendation remains unchanged.

STAFF RECOMMENDATION

Staff recommends **approval** of the accessory garage request and **denial** of the parking area request.

PETITION OVERVIEW

- 3155 Arbor Street is a lot comprised of six (6) different residential parcels with a width of 150 feet total. A residence that had been constructed on the westernmost two (2) parcels was demolished in the 1970s, and the property has been undeveloped since. Surrounding land uses include undeveloped land to the south, residences to the north and west, and a lake and operation for excavation of sand and gravel to the east. Due to its low elevation and proximity to the Highland Creek to the south, the property is fully located within the floodway fringe.



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- The applicant is seeking to develop this site with a single-family residence. A flood permit was issued in 2024 to allow for that development with the primary and accessory structure in the locations shown below.
- Two (2) variances of development standards would be required to allow for the proposed design. The first would be to allow for a detached accessory structure within the front yard between the proposed building location and the front property line. The second would be to allow for a parking area width of 72 feet within the front yard of the site (maximum of 30 feet permitted). It appears that no variance would be needed related to the Flood Control Ordinance given the previous issuance of a flood permit, and the applicant has indicated that gravel parking areas would have distinct edge buffering as required by Ordinance.
- The violation case VIO24-010173 was opened in 2024 in relation to vehicle storage of a dump truck and trailer at the site and a lack of ILP for a parking lot area. This variance would not allow for commercial parking at this property, although staff would note that those vehicles did not appear to be present when conducting a site visit in late 2025. Additionally, approval of this petition would not allow for relief from regulations related to the placement of multiple curb cuts for a residence imposed by the Department of Public Works during the driveway permit process. A representative from DPW indicated that approval of two driveway access points would be unlikely to be approved regardless of the outcome of this petition.
- This property is zoned D-4 to allow for low or medium intensity single-family and two-family residential development, and similarly the Comprehensive Plan recommends the site to the Suburban Neighborhood typology and places it within an Environmentally Sensitive overlay (additional information below). The site is also located within the Floodway Fringe, which is a Secondary Zoning District and indicates a 1% chance for significant flooding as well as shallow flooding in any given year. Additionally, Infill Housing Guidelines indicate that accessory structures should be placed behind primary structures without overshadowing them in size, and that front yards should contain shaded green space.
- Due to site-specific constraints related to the location of the property within the Floodway Fringe and the limited amount of undisturbed soil at the site, the proposed location of the primary structure at the rear of the site would be the only feasible location for development to occur. Staff would note that in addition to there being no feasible way to have an accessory structure placed behind the primary building, the proposed detached garage would be offset to the north from the primary residence in a manner that wouldn't directly impede visual access from Arbor Street (approximating the intent of Infill Housing Guidelines). For these reasons, staff recommends approval of the requested variance for an accessory structure within the front yard.
- However, no such site-specific practical difficulty exists to justify approval of the requested variance for the parking area width of 72 feet. The limitation on front-yard parking area width for residential areas within the Ordinance exists to allow for vibrant front-yard areas primarily defined by green space (echoed within the Environmentally Sensitive overlay guidance from the Comprehensive Plan) while still allowing adequate space for vehicle maneuverability. Placement



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of a parking area over twice the maximum amount allowed would run counter to these goals, and may also negatively impact the property within floodway fringe by reducing space for front-yard compensatory storage and drainage retention and resulting in additional areas of mud and chuckholes for the gravel drive. Staff recommends denial of the driveway width variance.

GENERAL INFORMATION

Existing Zoning	D-4 (FF)	
Existing Land Use	Undeveloped	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	Zoning	Surrounding Context
North:	D-4	North: Residential
South:	D-4	South: Undeveloped
East:	D-A	East: Mining Operations
West:	D-4	West: Residential
Thoroughfare Plan		
Arbor Street	Local Street	51-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	Yes	
Overlay	Yes	
Wellfield Protection Area	Yes or No	
Site Plan	11/27/2025	
Site Plan (Amended)	01/07/2026	
Elevations	10/23/2024 (ILP24-02180)	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	11/27/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan



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- The Marion County Land Use Plan Pattern Book recommends this site to the Suburban Neighborhood typology to allow for predominantly single-family housing interspersed with attached and multifamily housing where appropriate. The property is also located within the Environmentally Sensitive overlay intended for areas containing high quality woodlands, wetlands, or other natural resources that should be protected through development that prevents or mitigates damage.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Infill Housing Guidelines indicate that accessory structures should be located behind existing buildings unless there is a precedent otherwise, and that they shouldn't overshadow primary buildings in terms of scale, height, size or mass. Additionally, front yards should provide shade trees.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

56-A-159, rezoning of Lots 167 & 184 in Richland Addition being in an R-4 (Residential) district to Special Uses (15) classification to provide for the raising of fur bearing animal in existing hutches, **approved**.

ZONING HISTORY – VICINITY

2023UV3003 ; 3202 Arbor Street (southwest of site), Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for the operation of a commercial contractor with outdoor storage and multiple commercial vehicles (not permitted, prohibited within the Floodway Fringe) with a parking area in the front yard greater than 30 feet in width (maximum 30-foot wide parking area permitted) and a six-foot fence within the front yard of Arbor Street and a four-foot fence in the front yard of Arbor Street and Murray Street, encroaching within the clear sight triangle of these intersecting streets (maximum 3.5-foot tall fence permitted in front yards, encroachment of clear sight triangle not permitted) and a 336 square-foot garage with a three-foot rear setback (accessory structure not permitted without a primary structure and five-foot rear setback required), **denied**.

2005ZON121 ; 1135 W Troy Avenue (east of site), rezoning of 36.135 acres, being in the D-A (GSB) (FF) and D-A (FF) Districts, to the I-3-U district to provide for a mulch manufacturing operation, **denied**.

2004VAR001 ; 1135 W Troy Avenue (east of site), variance of development standards of the Industrial Zoning Ordinance to provide a maximum total area of outside operations and storage not to exceed 75 percent of the lot area (maximum 50 percent of the total floor area of enclosed structures and building permitted), **denied**.

2002LNU009 ; 3014 Arbor Street (northwest of site), legally establish use of a church, **approved**.

88-V3-31 ; 1103 W Troy Avenue (northeast of site), variance of development standards of the Marion County Master Plan Permanent Zoning Ordinance to provide for a setback of fifty feet for a sand and gravel excavating pit, **denied**.

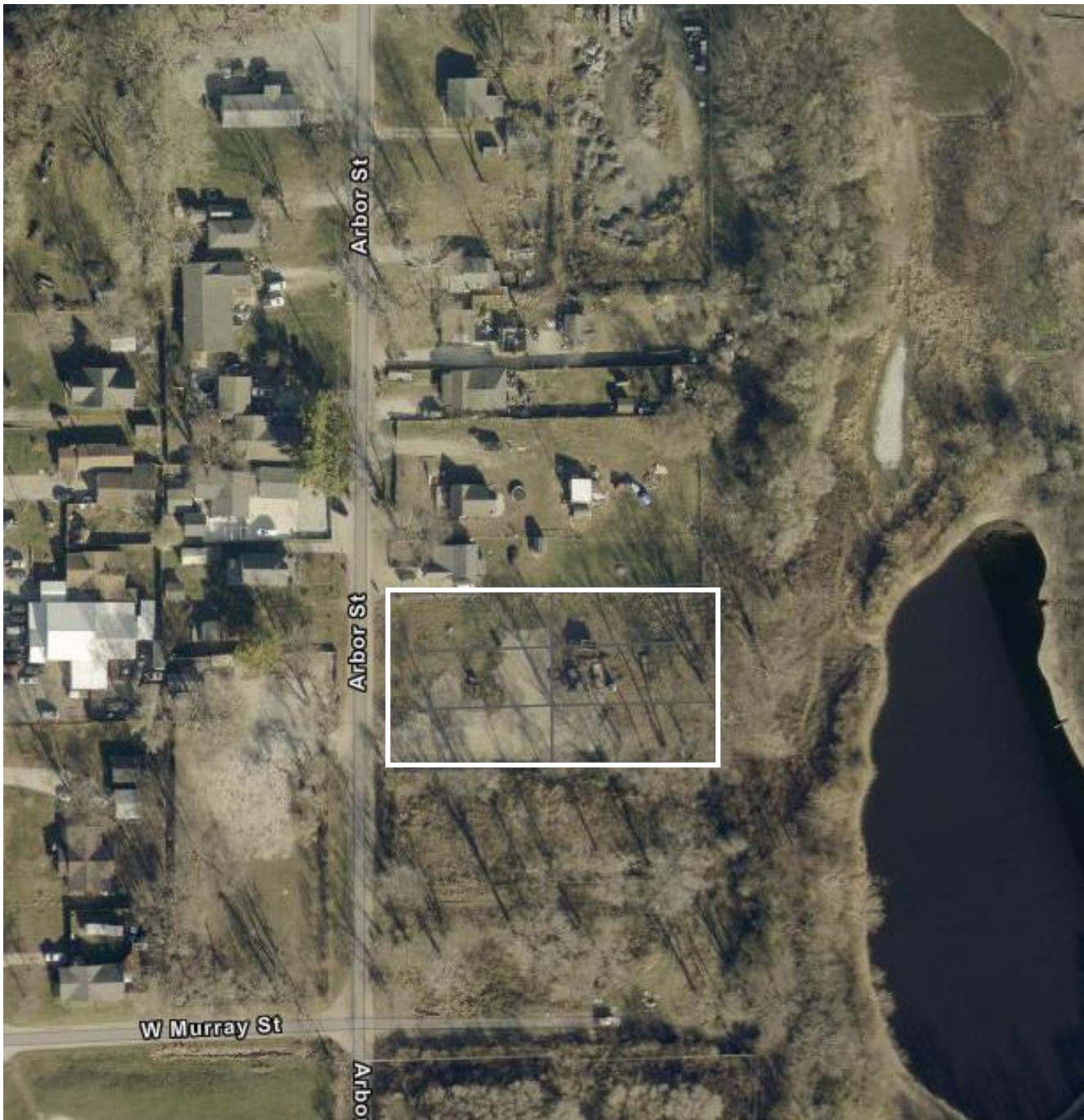
87-UV2-83 ; 3126 Arbor Street (northwest of site), variance of use of the Flood Control Districts Zoning Ordinance and of development standards of the Dwelling Districts Zoning Ordinance to provide for a single-family residence constructed below the one-hundred year flood elevation (two feet above required) and at fifteen feet from the rear property line (twenty feet required), **denied**.

86-Z-193 ; 1103 W Troy Avenue (east of site), rezoning of 47.23 acres to the secondary GSB district to permit the excavation of sand and gravel, **approved**.

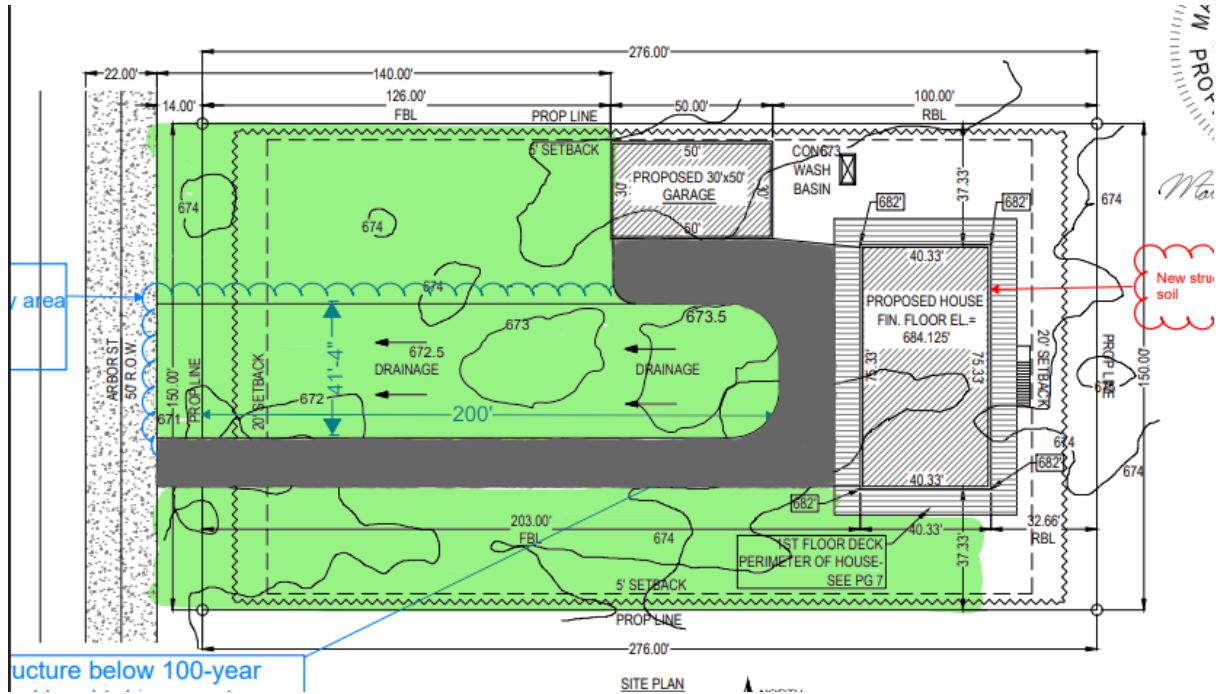
85-UV1-84 ; 3331 Arbor Street (south of site), variance of use of the Dwelling Districts Zoning Ordinance to provide for the construction of a 3200 square foot building to be used for storage of commercial trucks, **approved**.

EXHIBITS

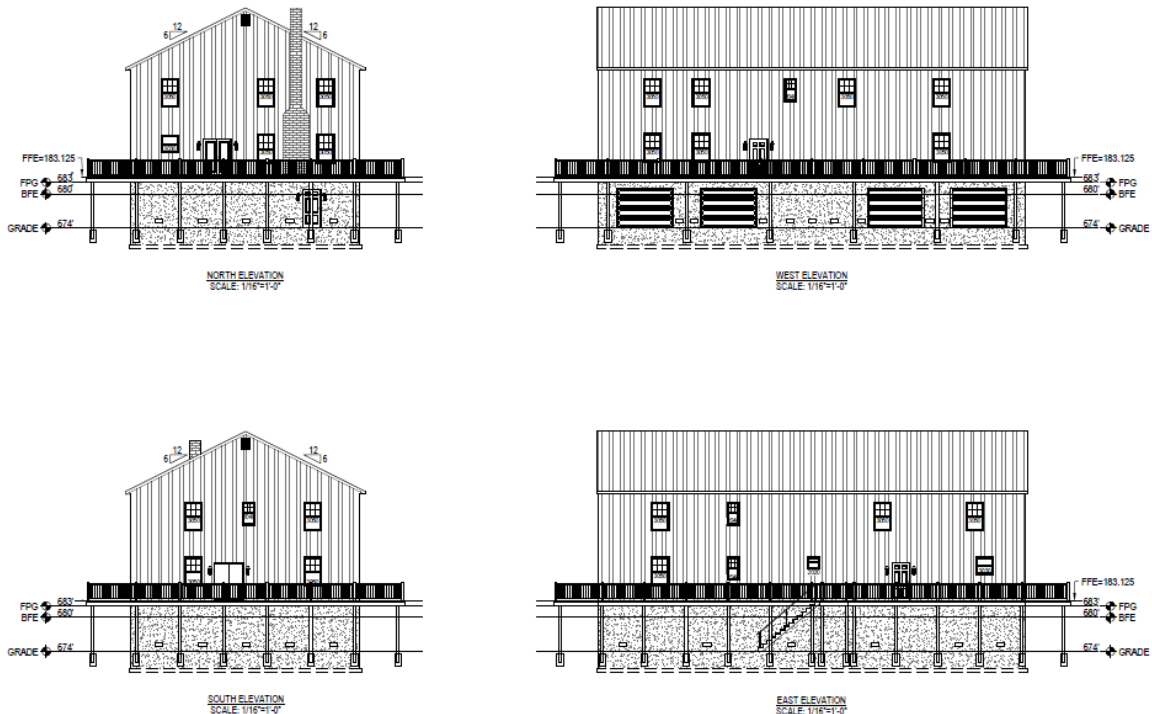
2025DV1064 ; Aerial Map



2025DV1064 ; Site Plan (01/07/2026)



2025DV1064 ; Elevations (ILP24-02180)





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2025DV1064 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The proposed location of the detached garage allows the installation of the excavated area mandated by flood control regulations. In a flood event it will prevent a higher base flood elevation in order to protect surrounding properties and homes. The proposed circular driveway will prevent unnecessary 3-point turns or backing maneuvers to ease traffic flow and reduce accidents.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The proposed location of the detached garage will not reduce or impede visibility of the home. This maintains the Municiple Code's intent to maintain accessory structures as subordinate to the primary structure also maintain consistency with surrounding properties. Circular driveways typically elevate curb appeal and the proposed circular driveway will help integrate the excavated area into the lot as to create an asthetically pleasing view from the street.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

The proposed home must be located at the rear of the property to make space for excavated area mandated by flood control regulations. This forces any detached garage or accessory to be located in front off to and to the side of the primary structure.

2025DV1064 ; Photographs



Photo 1: Subject Site Viewed from West



Photo 2: Adjacent Property to North

2025DV1064 ; Photographs (continued)



Photo 3: Adjacent Property to South



Photo 4: Adjacent Property to West



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BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-UV1-024 (Amended)
Address: 2170 East 75th Street (approximate address)
Location: Washington Township, Council District #2
Zoning: D-S (FW)
Petitioner: Molly A. Wright, by David Stevens
Request: Variance of use and development standards of the Consolidated Zoning and Subdivision Ordinance to provide for and legally establish an accessory structure in the front yard of 75th Street (not permitted), to provide for the expansion of a detached garage with a two-foot side setback (15-foot side setback required), for the garage to have a footprint larger than the primary building (accessory structures cannot be larger than the primary building), and with 81% open space (85% open space required).

Current Land Use: Single-Family Dwelling

Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was previously continued from the January 6, 2026, hearing, to the February 3, 2026, hearing, to allow time for the petitioner to amend the request and provide new notice.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition as proposed.

PETITION OVERVIEW

SITE PLAN & DESIGN ISSUES

- ◇ The existing site development is typical of the area where detached accessory structures are located near the street and in front of the established front building line. The pattern of development on the north side of this portion of East 75th Street ranges from shallow to deep rear yards to mitigate construction activities in the varying floodway of the White River, while at the same time siting the primary dwelling to take advantage of its proximity to the river. Due to this land-related limitation and configuration, a practical difficulty exists for placing the garage in the front yard of 75th Street, from which relief should be granted.

VARIANCE OF DEVELOPMENT STANDARDS

- ◇ The request would also provide for the expansion of an existing detached garage with a two-foot side setback, with the garage to have a footprint larger than the primary building, and for 81% open space.



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- ◇ The proposed two-foot side setback for the expanded garage would be adjacent to an existing accessory structure on the adjoining parcel that has a zero-foot side setback. The two-foot setback for the existing accessory structure on the subject site would be considered as legally non-conforming, but once an expansion is proposed, then the setback is required to become zoning compliant, either by meeting the setback or applying for a variance. In this case the requested variance would allow the proposed expansion of the garage to create an additional 10 feet of a non-conforming two-foot setback for a two-story structure, adjacent to an existing accessory structure on the adjoining property that has a legally non-conforming zero-foot setback. Staff feels this expansion on a reduced setback would be too intense for the adjoin property and would not provide adequate area for maintenance and emergency safety response.
- ◇ The need for a reduction in the open space requirement to 81%, is a self-imposed hardship due to the to the size of the proposed accessory structure and not a result of the Ordinance requirements.
- ◇ The need for the proposed garage to have a footprint larger than the primary building is also a self-imposed hardship due to the proposed size of the accessory structure and not a result of the Ordinance requirements.
- ◇ The subject site already has two (2) existing detached accessory structures that provide 1,388 square feet in detached accessory structure storage. The proposed detached accessory structure would add an additional 1,265 square feet in accessory structure storage for a total of 2,653 square feet in accessory structure storage. The strict application of the terms of the zoning ordinance does not constitute a practical difficulty for the property, since adjacent properties with similar sized lots are able to meet the Ordinance requirements. Any practical difficulty is self-imposed by the desire to provide a total of 2,653 square feet in detached accessory structure storage on the subject site.

GENERAL INFORMATION

Existing Zoning	D-S	
Existing Land Use	Single-Family Dwelling	
Comprehensive Plan	Suburban Neighborhood	
Overlay	No	
Surrounding Context	<u>Zoning</u>	Surrounding Context
	North: D-S	White River / Multi-family dwellings
	South: D-S	Single-family dwellings
	East: D-S	Single-family dwellings
	West: D-S	Single-family dwellings
Thoroughfare Plan		
East 75 th Street	Local Street	48-foot existing and proposed right-of-way.
Context Area	Compact	
Floodway / Floodway Fringe	500-year Floodplain	
Wellfield Protection Area	No	
Site Plan - Revised	January 6, 2026	
Elevations	January 6, 2026	
Plan of Operation	N/A	
Commitments	N/A	
Landscape Plan	N/A	
Findings of Fact	December 10, 2025	



COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- The Comprehensive Plan has recommended Suburban Neighborhood uses for this site.

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends the Suburban Neighborhood typology, which is predominantly made up of single-family housing, but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities. Natural Corridors and natural features such as stream corridors, wetlands, and woodlands should be treated as focal points or organizing systems for development. Streets should be well-connected, and amenities should be treated as landmarks that enhance navigability of the development. This typology generally has a residential density of 1 to 5 dwelling units per acre, but a higher density is recommended if the development is within a quarter mile of a frequent transit line, greenway, or park.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2025-UV3-036; 2236 East 75th Street (east of site), requested a Variance of Use and Development Standards to provide for the construction of 280-square foot garage in the front yard of 75th Street, with a six-foot west side yard setback, and with 80% open space, **granted**.

2018-DV1-026; 2170 East 75th Street (subject site), requested a Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a detached garage with a nine-foot side setback, and to provide for and legally establish accessory structures in the front yard of 75th Street, **granted**.



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2016-HOV-005; 2260 East 75th Street (east of site), requested a Variance of Development Standards of the Dwelling Districts Zoning Ordinance to provide for the construction of a two-story single-family dwelling, with a five-foot east side setback and a 10-foot west side setback for an aggregate setback of 15 feet, on a lot with 60 feet of frontage, and an open space of 68%, **granted**.

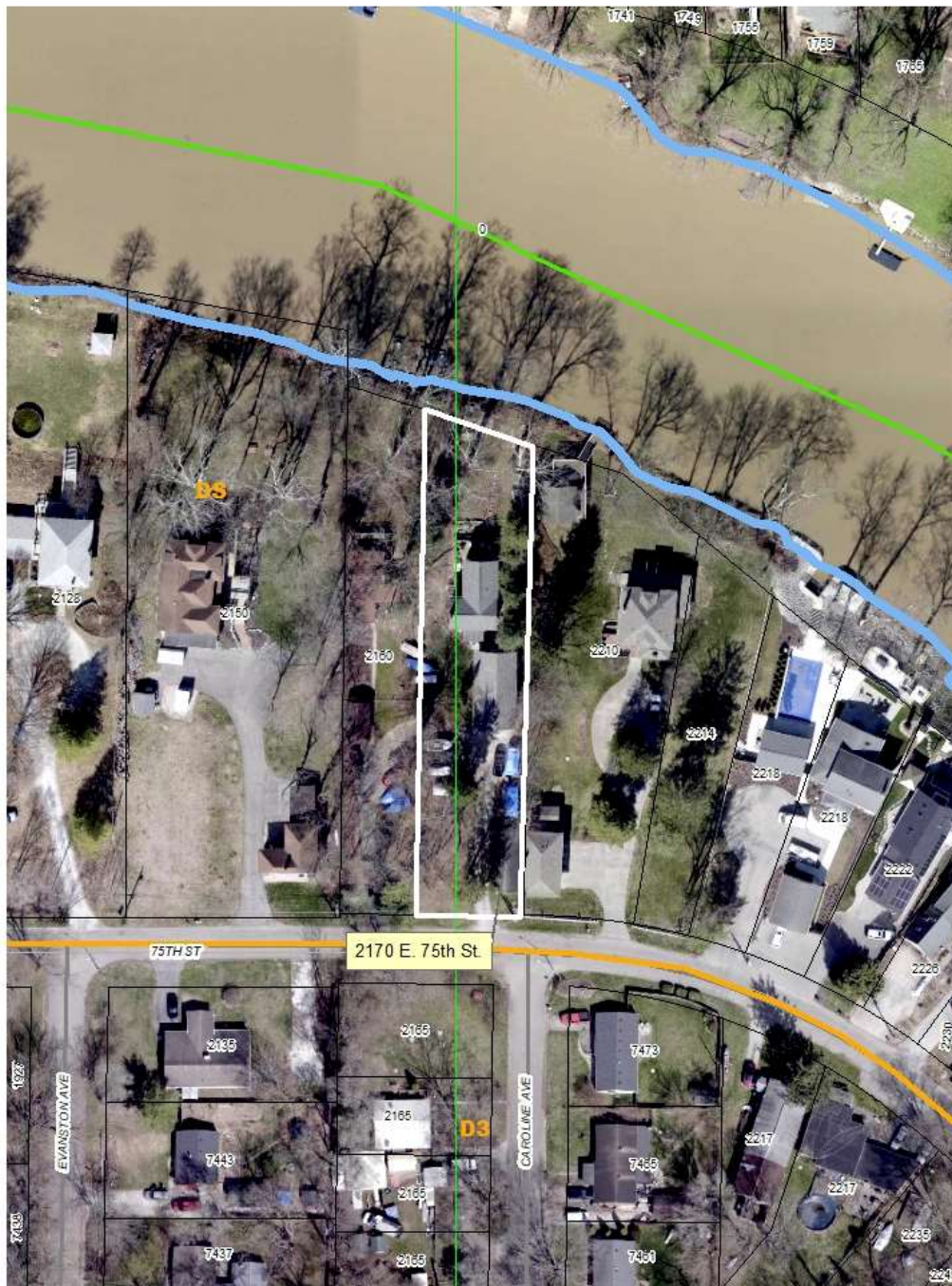
2015-DV3-008; 7565 Terrace Beach (west of site), requested a Variance of Development Standards to provide for a dwelling addition, two covered porch additions and a deck, with a grill area, with a west side setback of approximately one-foot, creating an open space of 84%, on a lot with zero feet of frontage and lot width, and without direct access to a public street, **granted**.

2001-DV1-026; 2334 East 75th Street (east of site), request for Variances of Development Standards of the Dwelling Districts Zoning Ordinance, to provide for reduced side yard setbacks and front yard setbacks for accessory use structures, **granted**.

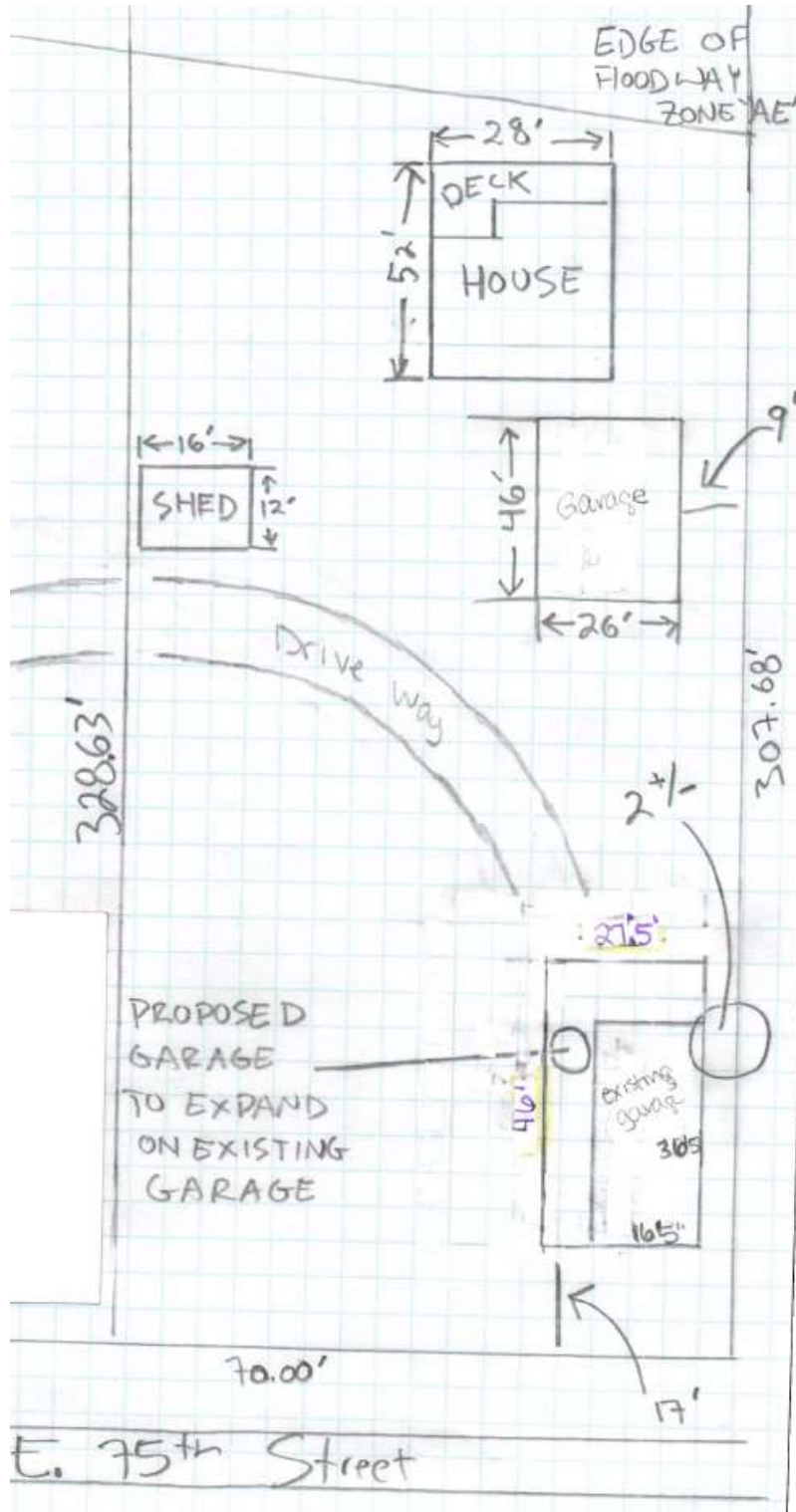
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EXHIBITS

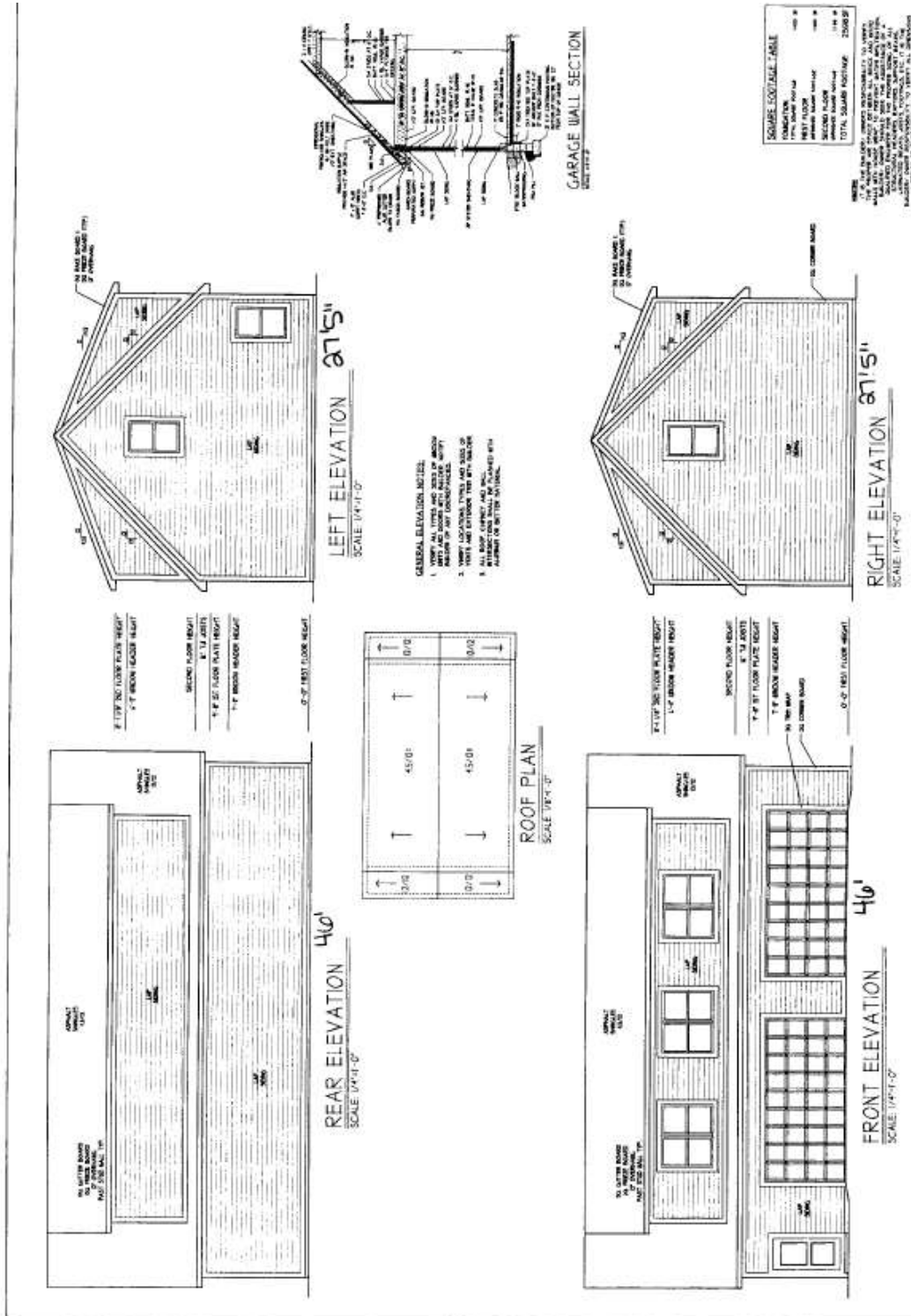
Location Map



Site Plan – Revised 1-6-2026.



Elevations





Department of Metropolitan Development
Division of Planning
Current Planning

Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The garage expansion will be built with proper materials and according to code. all safety measures will be followed in the selective demo of the existing garage. The updated structure will enhance the property and is in line with other properties in the area.

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

This project will enhance the property and add value to the area around it.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

These are narrow lots and many of the properties have structures that do not adhere to the set back distances and standards. The proposed garage expansion would allow for boat storage as these lots are waterfront on White River and many owners have boats. Our proposed design is in alignment with the surrounding properties.

Photographs



Subject site primary dwelling and existing detached garage, looking north



Subject site existing detached garage, looking northeast.



Subject site existing second garage to be replaced with proposed two-story garage, looking north.



Subject site existing second garage with two-foot east side setback, to be replaced with proposed two-story garage with two-foot east side setback, looking north.



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BOARD OF ZONING APPEALS DIVISION I

February 3, 2026

Case Number: 2025-DV1-065

Property Address: 2929 Eagledale Drive (approximate address)

Location: Wayne Township, Council District #11

Petitioner: Grise Home & Property Group LLC, by Martin Jimenez

Current Zoning: D-5

Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for a carport with a 0-foot side yard setback (5-foot setback required).

Current Land Use: Residential

Staff Recommendations: Staff recommends **denial** of this petition.

Staff Reviewer: Michael Weigel, Senior Planner

PETITION HISTORY

This is the first public hearing for this petition.

STAFF RECOMMENDATION

Staff recommends **denial** of this petition.

PETITION OVERVIEW

- 2929 Eagledale Drive is a residential property currently improved with a single-family residence originally constructed in 1956 per the Assessor's property card. The site is midblock, along a curvilinear street, and is around 4973 square feet in size. Surrounding properties are also residential in nature, and the closest road of a non-local classification is 30th Street to the north. Per aerial photography, a carport with a width of 16 feet, supported by three (3) posts and with open walls was added onto the southeastern portion of the property in 2024.
- The violation case VIO24-005040 was opened June 2024 based on an anonymous complaint filed with the Mayor's Action Center related to the parking of unlicensed cars. The Notice of Violation (within Exhibits below) cites the property for those vehicles, as well as for both a lack of distinct edging for gravel parking and areas and the lack of a zoning permit for the carport addition. Grant of this variance would not allow for relief from those Ordinance standards, and the site would need to be brought into compliance regardless of the disposition of this petition.



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- Approval of this variance would relate to the setback encroachment that has resulted from placement of the carport without having permits in place. Although neither the notice of violation nor documentation provided by the applicant specified the precise setback of this improvement, aerial photography and staff's visit seem to indicate that the carport would be directly adjacent to the border fence comprising the property boundary (resulting in a 0-foot setback where a 5-foot setback would be required).
- Staff would note that it doesn't appear that the carport improvement is utilized for the parking of vehicles; instead, vehicles park on the driveway within the site's front yard and the portion of the carport nearest the front property line is blocked by an opaque fence that appears to have been installed between 2019 and 2022. This fence and outdoor patio area predate the carport, and although the height of the fence was not cited within the violation staff notes that the maximum allowable height for this fence within a side yard would be 6 feet in height and that a fence exceeding that height could be citable.
- The property is zoned D-5 to allow for medium and large-lot housing formats, primarily for detached houses within either suburban neighborhoods or infill of established urban areas. Similarly, the Comprehensive Plan recommends the site to the Suburban Neighborhood typology to allow for development of predominantly single-family housing. Infill Housing Guidelines indicate that side setbacks and building spacing should reinforce spacing on the existing block, and that minimum spacing is needed to allow for maintenance and reduce the risk of fire spreading.
- Findings of Fact provided by the applicant indicate that grant of the variance would be justified since the carport covering the patio would be placed on their private property, and that the additional covered area wouldn't result in difficulties related to rainfall runoff or site drainage. Staff would note that the Findings fail to identify any site-specific practical difficulty requiring placement of a carport with this width and proximity to the property line: the fact that the structure was placed without permits to verify ordinance compliance is a self-imposed difficulty, and staff would want to avoid the precedent of 'asking for forgiveness instead of permission'.
- It also is unclear that placement of the roofed structure wouldn't have a drainage impact on the adjacent property to the south, and the setback being reduced to 0 feet would fail to conform with relevant Infill Housing Guidelines. For these reasons, staff recommends denial of the variance.

GENERAL INFORMATION

Existing Zoning	D-5	
Existing Land Use	Residential	
Comprehensive Plan	Suburban Neighborhood	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	D-5	North: Residential
South:	D-5	South: Residential
East:	D-5	East: Residential
West:	D-5	West: Residential

Thoroughfare Plan

Eagledale Drive	Local Street	70-foot existing right-of-way and 50-foot proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	No	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	12/10/2025	
Site Plan (Amended)	N/A	
Elevations	12/20/2025	
Elevations (Amended)	N/A	
Landscape Plan	N/A	
Findings of Fact	12/20/2025	
Findings of Fact (Amended)	N/A	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book
- Infill Housing Guidelines

Pattern Book / Land Use Plan

- The Suburban Neighborhood typology is predominantly made up of single-family housing but is interspersed with attached and multifamily housing where appropriate. This typology should be supported by a variety of neighborhood-serving businesses, institutions, and amenities.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.



**Department of Metropolitan Development
Division of Planning
Current Planning**

Infill Housing Guidelines

- Infill Housing Guidelines indicate that the spacing between buildings should reinforce spacing on the existing block, and that insufficient spacing can create maintenance problems and increase the risk of fire spreading across buildings.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.



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ZONING HISTORY

ZONING HISTORY – SITE

N/A

ZONING HISTORY – VICINITY

2008UV1033 ; 3901 W 30th Street (northwest of site), Variance of Use of the Dwelling Districts Zoning Ordinance to provide for a preschool (not permitted), **approved**.

83-V1-52 ; 2919 Corvallis Crescent (west of site), Variance of development standards to permit construction of an attached garage to within seventeen feet of the corner front building line, **approved**.

EXHIBITS

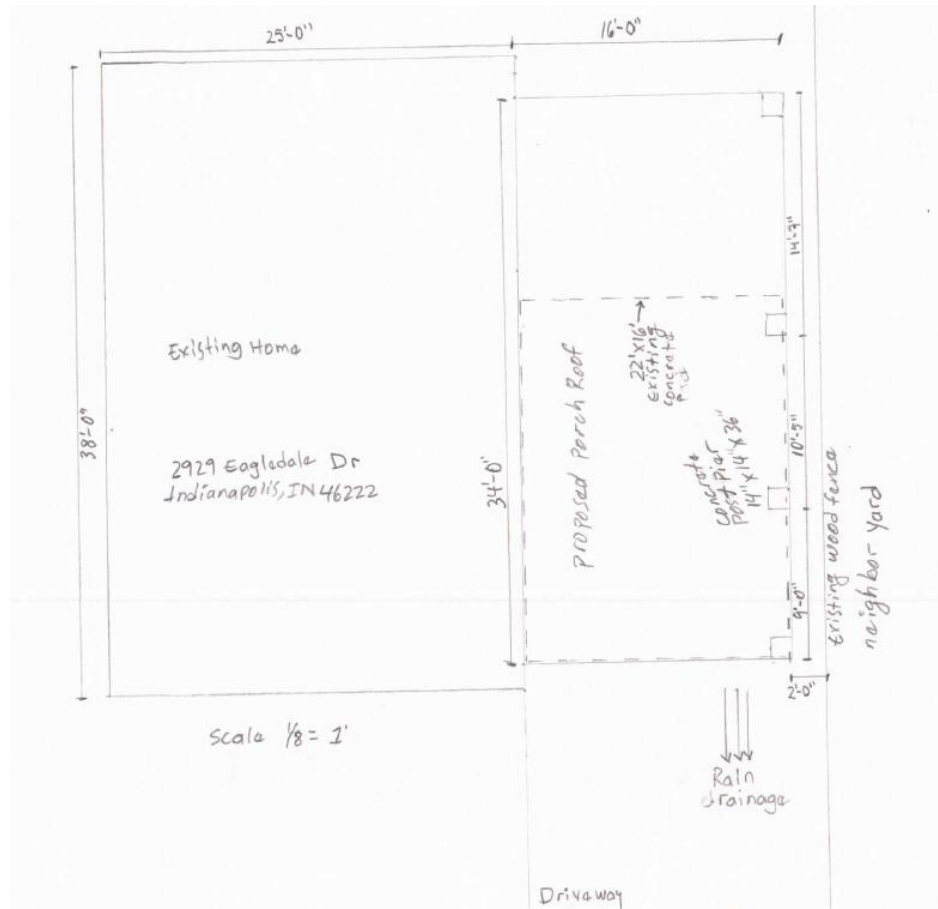
2025DV1065 ; Aerial Map



2025DV1065 ; Aerial Map (zoomed, prior to carport placement)



2025DV1065 ; Site Plan



2025DV1065 ; Elevation





**Department of Metropolitan Development
Division of Planning
Current Planning**

2025DV1065 ; Findings of Fact

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

IT IS NOT FOR THE PUBLIC AT ALL, ITS SOMETHING PERSONAL

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

NO, BECAUSE IT IS NOT CLOSE TO THE PROPERTY AND IT WAS CHECKED BEFORE WATER SLIDING OFF

WONT TOUCH OR BOTHER IT

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

THERE WILL BE NO DIFICULTIES IT IS A SIMPLE ROOF FOR SHADE

2025DV1065 ; Notice of Violation (VIO24-005040)

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for a change in the roofline configuration of the structure...carport addition).

Section 740 -1005.A.2. Civil Zoning Violation

Specific Violation: The failure to obtain an Improvement Location Permit when one is required by the terms and provisions of the Zoning Ordinance; (740-801.A.2. - Failure to obtain an Improvement Location Permit (ILP) for increasing the height, size or lateral bulk of the structure...carport addition).

Section 740 -1005.A.4. Civil Zoning Violation

Specific Violation: The outdoor storage of inoperable vehicles in any zoning district, the provisions of which do not specifically permit such a use; (Any motor vehicle, racing vehicle, recreational vehicle, trailer, camper, boat, airplane, bus, truck, or similar vehicle, that cannot be driven, towed or hauled on a city street without being subject to the issuance of a traffic citation by reason of its operating condition or the lack of a valid license plate, or flat tires; or that is otherwise partially dismantled or mechanically inoperable...unlicensed Honda Pilot and Chevy Cruze).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (744-404.D.6.a. - Parking areas in front yards shall be paved with bricks, concrete, asphalt, permeable pavers or pavement, or a gravel surface with a distinct edge boundary to retain the gravel; the parking of vehicles on grass in the front yard is prohibited).

Section 740 -1005.A.8. Civil Zoning Violation

Specific Violation: Failure to comply with use-specific standards and zoning district development standards for the D-5 district; (Table 744-201-1: - Carport located in the 5ft. side yard setback).

2025DV1065 ; Photographs



Photo 1: Subject Site Viewed from Southwest

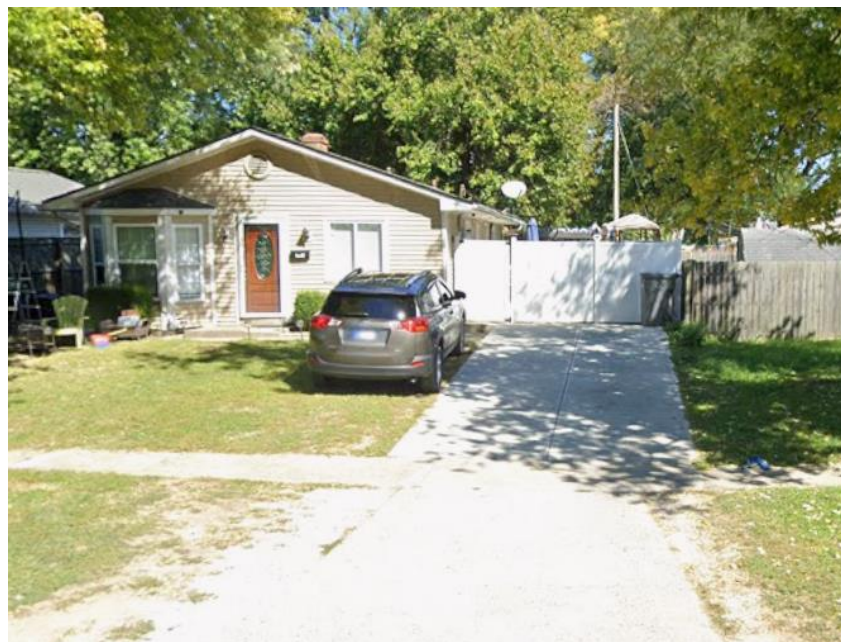


Photo 2: Subject Site Viewed from Southwest (October 2022)

2025DV1065 ; Photographs (continued)



Photo 3: Carport Viewed from Southwest



Photo 4: Carport Viewed from South

2025DV1065 ; Photographs (continued)



Photo 5: Adjacent Property to West



Photo 6: Adjacent Property to North (October 2024)